

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

DROPBOX, INC.,

Plaintiff/Counter-Defendant,

v.

MOTION OFFENSE, LLC,

Defendant/Counter-Plaintiff.

CIVIL ACTION NO. 6:20-cv-00251-ADA

MOTION OFFENSE, LLC

Plaintiff,

v.

DROPBOX, INC.,

Defendant.

CIVIL ACTION NO. 6:21-cv-00758-ADA

[PROPOSED] ORDER ON AMENDED FINAL CONTENTIONS DISPUTES

The parties dispute the propriety of Motion Offense's amendments to its Final Infringement Contentions and Dropbox's amendments to its Final Invalidity Contentions. The parties also dispute whether Dropbox may rely on allegedly highly confidential materials, including its non-public source code and internal technical documentation, as prior art in its invalidity contentions.

ORDER

Having considered the parties' submissions to the Court on the above issues, IT IS HEREBY ORDERED that

- I. By July 13, 2022, Dropbox shall file any motion to strike portions of Motion Offense's Amended Final Infringement Contentions it believes are prejudicial, and Motion Offense

shall file any motion to strike portions of Dropbox's Amended Final Invalidity Contentions it believes are prejudicial.

- II. By July 20, 2022, Motion Offense shall file a response to any Dropbox Motion to Strike, and Dropbox shall file a response to any Motion Offense Motion to Strike;
- III. The parties' dispute regarding use of highly confidential materials in Dropbox's invalidity contentions is more properly the subject of briefing at the summary judgment stage;
- IV. The Scheduling Order in the consolidated cases (Dkt. No. 139) is hereby revised as follows to allow the parties time to brief their respective motions to strike.

Event	Current Deadline	New Deadline
Opening Expert Reports	July 12, 2022	August 5, 2022
Rebuttal Expert Reports	August 16, 2022	September 9, 2022
Close of Expert Discovery	September 2, 2022	September 23, 2022
Motion Offense narrows to 15 claims	September 9, 2022	September 30, 2022
Dropbox narrows to 20 combinations and 15 prior art references. Prior art relied upon by an expert only as evidence of the knowledge of a person of ordinary skill in the art does not count as a prior art reference. Multiple pieces of prior art evidence (for example, documents, source code, webpages, videos or any other forms of evidence) used as evidence relating to one prior art system counts as a single prior art reference. Motion Offense is not precluded from challenging the prior art status of any such evidence and/or seeking to exclude its use.	September 23, 2022	October 10, 2022
Dispositive motion deadline/Daubert deadline	September 30, 2022	October 17, 2022